



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FREDERICK W. GIBB, III
Gibb & Rahman, LLC
2568-A RIVA ROAD
SUITE 304
ANNAPOLIS MD 21401

COPY MAILED

AUG 01 2008

OFFICE OF PETITIONS

In re Application of :
Agrawal, et al. :
Application No.: 10/624,069 : **ON PETITION**
Filing Date: July 21, 2003 :
Attorney Docket No. ARC920030034US1 :

This is a decision on the petition under 37 CFR 1.47 filed July 3, 2008, which will be treated as a petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.131.

The petition is **granted**.

The record reflects that the joint inventors named in subject application executed the declaration required by 37 CFR 1.63, and that the executed declaration was filed on July 21, 2003. Petitioner now files the instant petition under 37 CFR 1.47(a) because one of the joint inventors has constructively refused to sign the declaration under 37 CFR 1.131. Petitioner requests that the declaration under 37 CFR 1.131 be accepted without the signature of inventor Agrawal.

It is noted that the provisions of 37 CFR 1.47 only apply to the execution of the original oath or declaration under 37 CFR 1.63. A petition under 37 CFR 1.47 is not appropriate in this case because the joint inventors executed the original declaration. Relief can be granted, pursuant to 37 CFR 1.183, by the waiver or suspension of the requirements of 37 CFR 1.131 as to inventor Agrawal.

37 CFR 1.183 permits, in an extraordinary situation, waiver of a rule which is not a requirement of the statute, where justice requires such waiver, and applicant has requested a waiver of the requirement that the 37 CFR 1.131(b)(1) declaration be signed by all the joint inventors.

The instant petition is accompanied by an appropriate showing that inventor Agrawal has refused to execute the declaration under 37 CFR 1.131. Accordingly, the declaration of July 3, 2008, signed by inventors Evfimievski and Srikant, will be accepted as though it was signed by joint inventors Evfimievski, Srikant, and Agrawal as required by 37 CFR 1.131.

The fee for the petition under 37 CFR 1.183 is \$400.00 as per 37 CFR 1.183 and 1.17(f). Deposit account 09-0441 will be charged an additional \$200.00, accordingly.

The application file will be forwarded to Technology Center 2100, GAU 2161 for further processing.

Telephone inquiries regarding this matter should be directed to the undersigned at (571) 272-3222.

A handwritten signature in black ink, reading "Kenya A. McLaughlin". The signature is written in a cursive, flowing style.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions